IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WA.No. 1257 of 2007()

AGAINST THE JUDGEMENT IN WPC.27174/2006 Dated 15/12/2006
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APPELLANT: PETITIONER

ANILKUMAR.N.S., S/O.SEKHARAN,
42 YEARS OF AGE RESIDING AT ARUNODHAYAM,
NEDIYEDATH, MANATHALA, CHAVAKKAD, THRISSUR.

BY ADV. SRI.P.PAULOCHAN ANTONY
SRI.MANUEL KACHIRAMATTAM

RESPONDENTS: RESPONDENTS
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1. THE STATE OF KERALA, REPRESENTED
BY SECRETARY TO GOVERNMENT, DEPARTMENT OF
ELECTRICITY.

2. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY,
VAIDHUTHI BHAVAN, THIRUVANANTHAPURAM.

3. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.S. ANIL SC FOR KSEB. FOR R2
ADV. SRI.P.C. SASIDHARAN FOR R3

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.1257 of 2007
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Dated this the 1st day of June, 2007.

JUDGMENT

Radhakrishnan,J.

Writ Petition was preferred by the appellant seeking a writ of certiorari to quash Ext.P3 notification and also a direction to the third respondent to consider the existing and the anticipated vacancies in the post of Assistant Engineer (Electrical) and prepare a list in the order of merit without fixing cut off marks. According to the third respondent – Commission, the cut off marks referred to Ext.P3 is the marks scored by the candidate, who was included as the last person in the list. It is not as though the Commission fixed a cut off mark and thereafter prepared a short list. The Commission had to take into account the number of vacancies till then reported and to assess the reasonable number of persons to be included in the short list. This was done taking into account the number of candidates applied, the number of vacancies reported and the number of persons to be called for interview. The main list was published on 13.1.2006 and the final

rank list also was not challenged within a reasonable time. The Commission had started advising candidates from the main list and now the main list has exhausted. None included in the list is a party to the Writ Petition. Counsel appearing for the appellant cited a decision reported in **Dr. S.Ajayan** v. **State of Kerala and others** – 2006(3) I.L.R. 641, wherein it is stated that the Public Service Commission cannot fix cut off marks in the written examination or oral interview unless there is such a prescription in the rules and notification. Here, the petitioner did not challenge the list and did not make the affected persons parties to the Writ Petition. We find no illegality in the procedure adopted by the Public Service Commission.

In the circumstances, we decline to interfere with the judgment of the learned single Judge. Writ Appeal is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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